

Section 679 is amended to read:

679. Possession of Wildlife and Wildlife Rehabilitation.

(a) General Prohibition on Possession of Wildlife. Except as provided in subsection (b) below or as otherwise authorized, it is unlawful for any person to possess any live game mammal or bird, nongame mammal or bird, furbearer, reptile or amphibian.

(b) Temporary Confinement of Wildlife. Except for big game mammals listed in Section 350, Title 14, CCR, injured, diseased or orphaned animals may be temporarily confined by persons if they notify the nearest regional office of the department within forty-eight (48) hours of finding or confining such wildlife. Notification shall include name and address; the species of wildlife and a description of its injury, disease or condition; the date and location the wildlife was found; and the location where the wildlife is confined. Confined animals must be disposed of pursuant to department direction, which may include including placement in a department-approved wildlife rehabilitation facility. (Department offices: ~~Region 1~~ (Redding), Northern California and North Coast Region, (916) 225-2300, ~~Region 2~~ (Rancho Cordova), (916) 355-0978, ~~Sacramento Valley and Central Sierra Region, Region 3~~ (Yountville), (707) 944-5500, ~~Central Coast Region, Region 4~~ (Fresno), (209) 222-3761, ~~San Joaquin Valley and Southern Sierra Region, Region 5~~ (Long Beach) (San Diego), (310) 590-5132 ~~South Coast Region, (Ontario), Eastern Sierra and Inland Deserts Region, (Monterey), Marine Region.~~

(c) Prohibition on Possession of Big Game Mammals or Fully Protected, Threatened or Endangered Species Except Under Department Permit. No person or wildlife rehabilitation facility may possess any big game mammal listed in Section 350, Title 14, CCR, or any fully protected, endangered or threatened bird, mammal, fish, reptile or amphibian without specific written authorization from the department.

(d) Prohibition on Picking up Disabled Wildlife in a Department Designated Oil/Toxic Spill Area. No person may enter a department designated oil/toxic spill area for the purpose of picking up disabled wildlife or transport or possess wildlife disabled by an oil spill or other spilled toxic substance unless that person has completed the training required by subsections 817.02(i) and (j), Title 14, CCR, and has authorization from the department. Designated oil/spill areas shall be clearly posted by the department.

(e) Wildlife Rehabilitation Facilities.

(1) Wildlife Rehabilitation Facility Defined. For the purposes of these regulations, a wildlife rehabilitation facility is defined as a site where activities are undertaken to restore to a condition of good health, for the purpose of release to the wild, animals occurring naturally and not normally domesticated in this state.

(2) Approval of Wildlife Rehabilitation Facility.

(A) The department may approve and issue a permit in the form of a Memorandum of Understanding to only those wildlife rehabilitation facilities which meet the wildlife care standards set forth in the 1993 most recent edition of the Wildlife Rehabilitation Minimum Standards and Accreditation Program manual published jointly by the International Wildlife Rehabilitation Council and the National Wildlife Rehabilitators Association or as provided in the Memorandum of understanding. The above wildlife care standards are hereby adopted and made a part of this Title 14, and shall be included as part of DEPARTMENT OF FISH AND GAME MANUAL 679 (5/94) - WILDLIFE REHABILITATION AND CARE STANDARDS, which is incorporated by reference herein. This manual shall be made available to all permittees and other interested individuals. Existing wildlife rehabilitation facilities not meeting these standards will not be permitted to rehabilitate wildlife after June 6, 1997. New facilities must comply with the standards upon the effective date of these regulations. All wildlife rehabilitation facilities, regardless of when established, shall comply with the wildlife care standards in the Wildlife Care Minimum Standards and Accreditation Program manual published jointly by the International Wildlife Rehabilitation Council and the National Wildlife Rehabilitators Association as a condition of their memorandum of understanding with the department.

(B) A person seeking a Memorandum of Understanding with the department for operating a new wildlife rehabilitation facility shall submit to the department, letters from permitted facilities (to be determined by the Department) in the nearby vicinity, stating that they believe there is a need for a new facility. Within 30 days of receiving the letters, the department will provide a written determination stating whether such a facility is needed. If the department determines that there is not a need for a new facility the applicant may request a hearing before the commission to show cause why their permit request should not be denied. If the department determines that a new wildlife rehabilitation facility is needed, that person shall submit, along with this written determination, an application packet to the department that contains all of the following:

1. A completed application form FG 542 (Rev 11/05);

2. Documentation of the applicant's experience working at a permitted wildlife rehabilitation facility. The applicant must have a minimum of two years (a minimum of 400 hours documented hours) experience working with a permitted wildlife rehabilitation facility in California, or experience that the department determines is equivalent, to be eligible for a permit.

3. A letter from a veterinarian who agrees to sponsor the applicant by overseeing diagnoses, medication and surgical procedures by the proposed facility.

4. Pictures or diagrams of the proposed facility's caging or proposed caging sufficient to demonstrate that the caging will be appropriate for the types of animals the facility is planning to rehabilitate and will comply with the standards identified in subsection (e)(2).

5. A statement of general intent that includes a list of the species and number of animals that the applicant proposes to rehabilitate and hold at the proposed facility; and plans describing the proposed facility's record-keeping system, animal intake process, euthanasia protocol, plan for carcass disposal, protocol for handling public phone calls, volunteer training protocol, animal diets, and disinfectant and disease control protocols. Plans provided as part of this statement must be consistent with the requirements of subsection (f) and the standards identified in subsection (e)(2).

6. Payment of a non-refundable application processing fee of \$41.00 and an inspection fee of \$114.54 to be determined by the department pursuant to Fish and Game Code Section 2150.2 and adjusted annually pursuant to Fish and Game Code Section 713.

(C) The department shall determine whether the application is complete and request any additional information it believes is necessary to evaluate the proposal. The department may enter into a Memorandum of Understanding with the California Council for Wildlife Rehabilitation (CCWR) for the purpose of obtaining CCWR's assistance with processing and evaluating applications. Such assistance may include but is not limited to helping review and evaluate applications, inspecting proposed facilities, and preparing recommendations to the department. Any memorandum of understanding between the department and CCWR may also provide for payment by the department from revenue generated by the application and inspection fees collected under subsection (e)(2) to reimburse CCWR's expenses in providing assistance to the department. Within sixty days of receiving the application, the department shall make a determination that the applicant and the proposed facilities meet the requirements in section (e)(2). If the department determines that the application is incomplete or that the applicant or the proposed facilities do not meet the requirements in section (e)(2), the department shall deny the permit and will return the inspection fee.

(D) If the department determines that the application is complete and that the applicant and the proposed facilities meet the requirements in subsection (e)(2), the proposed facility shall be inspected by the department, CCWR or another designee. Failure to cooperate with inspectors provided by the department, CCWR or another designee may result in application denial. The inspector(s) shall use the Checklist for Facilitating the Use of the Minimum Standards for Wildlife Rehabilitation from the Department of Fish and Game Manual 679 – Wildlife Rehabilitation and Care Standards to assist in determining whether the proposed facility will meet the standards identified in subsection (e)(2).

(E) After inspection of the proposed facility, the department shall approve a memorandum of understanding to permit a new wildlife rehabilitation facility only if the applicant and facility meets all applicable standards specified above. The Department may deny a permit if the applicant has failed to allow an inspection of the proposed facility by the department or its designee or it is found that the facility does not meet the minimum standards. An applicant has one year to build proposed facility from the time the MOU is signed by both parties. If the applicant has not built the proposed facility within one year of when the MOU was signed the permit will be revoked. Any person denied a permit under these regulations may request a hearing before the commission to show cause why their permit request should not be denied. MOU will be valid for three years. At the end of three years if a permittee wishes to renew a wildlife rehabilitation permit, a permit renewal form FG 542 (Rev 11/05) will be submitted along with a processing fee of \$41.00 pursuant to Fish and Game Code Section 2150.2 and adjusted annually pursuant to Fish and Game Code 713.

(f) Provisions Related to the Operation of a Wildlife Rehabilitation Facility.

(1) Responsibility for Costs Incurred. The operator of a wildlife rehabilitation facility shall be responsible for any and all costs incurred in connection with the treatment, confinement or transportation of wildlife.

(2) Liability. The operator of a wildlife rehabilitation facility shall indemnify, defend and save harmless the State, its officers, agents, and employees from any and all claims and losses occurring or resulting to any person or property in connection with the treatment, confinement or transportation of wildlife.

(3) Restrictions Related to Holding Wildlife. Wildlife temporarily held for rehabilitation must be maintained separate from facilities housing domestic animals and shall not be displayed to the public. Such wildlife shall have minimal direct human contact. Every effort shall be made to prevent imprinting.

(4) Department Approval Requirement for Release of Wildlife Back into the Wild. Rehabilitated wildlife may be released back into the wild only as directed by the department. The Department may provide bands and tags for rehabilitated wildlife when deemed necessary by the Department. All mammals and raptors shall be marked with bands or tags provided by the department (see "BANDING, TAGGING, MARKING" in Wildlife Rehabilitation and Care Standards Manual.) If any animal cannot be released, it shall be transferred to a zoological garden, museum, college, university or other educational/research institution or wildlife exhibitor. If it cannot be released, or transferred it shall be humanely euthanized. These regulations do not authorize any person, facility or organization to accept, possess or relocate nuisance wildlife. Any healthy wildlife trapped in towns or cities or removed from under buildings or otherwise taken or trapped because of human/animal conflict shall be immediately released in the area where trapped or disposed of as directed or authorized by the department. Such wildlife shall be immediately released back to the wild or disposed of as directed or authorized by the department. Any such wildlife that has been determined by a veterinarian to be so seriously ill that it cannot be treated shall be euthanized and tested as directed by the appropriate county public health agency or the department.

(5) Notification Requirement for Dead or Diseased Animals. The operator of a wildlife rehabilitation facility shall notify the nearest department region office within twenty-four (24) hours if any animal dies of a disease specified in the facility's permit or is suspected to have died from one of those diseases and shall make the dead animal available for delivery to the department or other facility as directed by the department.

(6) Written Record Requirement. The operator of a wildlife rehabilitation facility shall maintain a written record for each animal being cared for. This record shall include the name and address of the person finding the animal, the location where the animal was found (when available), a description of its condition and treatment, the dates it was received and transferred from the facility and the location of its final disposition.

(7) Availability of Records. The operator of a wildlife rehabilitation facility shall make all records, wildlife being rehabilitated and any materials used for the confinement, treatment, or care of wildlife, available for inspection by department employees or employees of the Department of Food and Agriculture or Department of Health Services or any other person authorized to enforce these regulations.

~~(8) All wildlife rehabilitation facilities shall have a designated veterinarian of record and the facility veterinarian must approve all protocol for medications, medical treatments, diagnostic and prognostic procedures. Anesthesia and surgery will be conducted only by a veterinarian or under direct veterinarian supervision. No veterinarian medical activities shall be in conflict with the California Veterinary Practice Act.~~

Facilities must meet basic sanitation standards as required by applicable state, county and local laws. Surgery rooms should meet minimum veterinary practice standards.

(9) All wildlife rehabilitation facility personnel, professional and volunteer, shall satisfactorily complete one department-approved wildlife rehabilitation training session each year. Formal training may include sessions of wildlife identification, wildlife capture and restraint, wildlife laws and regulations, veterinary medical and other subjects approved by the Department. The training shall be a minimum of two hours.

(g) Compliance with Other Restrictions. These regulations, or any permit issued pursuant thereto, do not authorize possession of any wild animal in violation of any other Federal, state, city, or county law, ordinance or regulation, including but not limited to any California Department of Health Services Rabies Control regulations.

NOTE

Authority cited: Sections 200, 713, 1050, 2000, 2020, 2150.2, 3005.5, 3800 and 4150, Fish and Game Code. Reference: Sections 200, 1008, 2000, 2001, 3005.5, 3511, 3800, 4150, 4190 and 4800, Fish and Game Code, and Section 8670.61.5, Government Code.